REMARKS

In the Final Office Action, the Examiner rejected claims 1-10, 12-26, and 28-33. This response neither amends nor cancels any claims. As such, claims 1-10, 12-26, and 28-33 remain pending. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the following remarks.

The Rejection Under 35 U.S.C. § 102(e)

In the Final Office Action, the Examiner rejected claims 1-10, 12-26, and 28-33 under 35 U.S.C. § 102(e) as anticipated by Moldenhauer et al., U.S. Patent No. 6,901,397 (hereinafter referred to as "the Moldenhauer reference"). Specifically, with regard to independent claim 1, the Examiner stated:

> A system comprising a plurality of device information files that each contain emulation information about a different device ["*The present invention is a web-based application that assists customer service and sales representatives when dealing with customers by phone... It includes detailed information regarding each type of DSS receiver.*" (column 2, lines 9-24]; and
> An emulator that is adapted to read a selected one of the plurality of device information files and provide an on-screen display ("OSD") emulation having characteristics of a visual display associated with the device based on the emulation information contained in the selected one of the plurality of device information files ["*When the rep selects a model of DSS receiver on the tool's graphical user interface (GUI), he can rotate it to see the wiring ports on the back of the specific model. If a remote control is being discussed with a customer, the rep can click on any button on the representation of the remote and a dialog box will appear with predetermined text for the rep to use in discussing the problem with the customer. The image of a specific piece of equipment is active; i.e. if an actual DSS receiver has a red light that can blink, so does the display viewed by the rep.*" (column 2, lines 25-50)].

Final Office Action, page 4. (Emphasis in original).

With respect to remaining independent claims 10, 19, and 26, the Examiner stated:

> Claims 10 and 12-18 recite a method employed by
> the system of claims 1-9. Claims 19-25 recite a system
> corresponding to claims 1-9. Claims 26 and 28-33 recite a
> machine-readable medium comprising code corresponding
> to the system of claims 1-9. Moldenhauer discloses a
> computer system and method (FIG. 1, etc.). Claims 10, 12-
> 18, 19-25, 26, and 28-33 are rejected for similar rationale to
> that shown above for claims 1-9.
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> Final Office Action, page 6.

Applicants respectfully traverse this rejection. Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). The prior art reference also must show the *identical* invention "*in as complete detail as contained in the ... claim*" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

In the present case, the Moldenhauer reference does not anticipate the claims under Section 102 because every element of the claimed invention is not identically shown in the

Moldenhauer reference. Specifically, independent claim 1 recites a computer system having a plurality of device information files and "an *emulator* that is adapted to read a selected one of the plurality of device information files and provide an on-screen display ("OSD") *emulation of the at least one device.*" (Emphasis added). Similarly, independent claim 10 recites a method including "invoking an *emulator* that is adapted to access the plurality of device information files and provide an on-screen display ("OSD") *emulation* that is based on the emulation information *for the at least one device.*" (Emphasis added). Independent claim 19 recites a system having a plurality of device information files that contain emulation information about at least one device, and means for "providing an on-screen display ("OSD") *emulation* of the at least one device." (Emphasis added). Finally, independent claim 26 recites a tangible machine-readable medium having machine-readable code comprising a plurality of device information files and "machine-readable code comprising *an emulator program*, the emulator program being adapted to read a selected one of the plurality of device information files and provide an *on-screen display ("OSD") emulation of a set-up procedure.*" (Emphasis added).

Hence, the present claims are generally directed towards an emulator that provides on-screen display (OSD) emulation for a selected device. Emulation, as described in the originally filed specification, refers to the process of emulating the *operation* of a device. Specification, paragraph 18, lines 8-10. For example, the OSD emulation system 50 is described specifically as "a system or tool that may be employed by a call center employee or the like to emulate aspects of the *operation of devices.*" Specification, paragraph 20, lines 5-8. (Emphasis added). Furthermore, the emulation information contained in the claimed device information files is described as providing "an on-screen display *similar in*

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appearance to what the customer sees when attempting to set up the device." Specification,

paragraph 23, lines 5-6. (Emphasis added). Indeed, configuring the emulation in this manner

insures that "the call center employee may have access to a visual display that is *similar to*

what the customer should see during a correct set-up procedure," for example, "*a menu* 102

corresponding to a menu *that should be displayed* on a customer's device at a particular point

in the set-up process." Specification, paragraph 25, lines 1-5. (Emphasis added). In fact, the

manner in which the specification and the claims use the term "emulator" generally comports

with the manner in which an emulator is typically understood in the art. For instance, an

emulator may be "a hardware device or a program that pretends to be another particular

device or program that other components expect to interact with." Exhibit A, definition of

"emulator" from Whatis.com.

Thus, the emulator of independent claims 1, 10, 19, and 26 emulates the *operation* of

a device, for example, what the customer *sees*, or *should see*, on a screen during a set up

process. In contrast, the Moldenhauer reference discloses:

> When the consumer representative selects a model of DSS
> receiver on the tool's graphical user interface (GUI), he can
> rotate it to see the wiring ports on the back of the specific
> model. If a remote control is being discussed with a
> customer, the rep can click on any button on the
> representation of the remote and a dialog box will appear
> with predetermined text for the rep to use in discussing the
> problem with the customer. The image of a specific piece
> of equipment is active; i.e. if an actual DSS receiver has a
> red light that can blink, so does the display viewed by the
> rep.

Moldenhauer, col. 2, lines 25-34.

As clearly shown by the above quote, which includes the cited portion of the Moldenhauer reference used by the Examiner to reject independent claim 1, the Moldenhauer reference, at best, discloses presenting an *external image of a device* on a GUI. The *external image of the device* is described as being rotatable to allow a consumer representative to view such aspects as wiring ports *on the exterior of the device*. However, not disclosed is *emulation of the operation* of the device, for example, what the customer sees, or should see, on a screen of that device during a set up process. While the image on the GUI may allow the consumer representative to interact with the consumer more effectively, there is no description in the Moldenhauer reference that the GUI is "emulating," i.e., pretending to be acting like the device. For example, as described in the Moldenhauer reference, when a user clicks a button on an actual remote control associated with the device, the device response to the pressing of that button. However, when a consumer representative scrolls over or clicks a button on the external image of the remote control, the external image of the device does not respond. Hence, there is no *emulation of the operation* of the device, that is, the action that occurs in response to user pressing that button is not mirrored on the screen of the consumer representative. Instead, pre-programmed text (dialog for the consumer representative to discuss with the customer) appears on the screen of the consumer representative. Since the appearance of pre-programmed dialog usable to initiate dialog with a customer does not correspond to the response a user sees when pressing a button, *emulation of the operation* of the device does not occur when the consumer representative scrolls over or clicks a corresponding button on the external image of the device. Accordingly, mere representation of an external image of a device and a pre-programmed dialog usable to initiate dialog with a customer, as described in the Moldenhauer reference, does not anticipate *emulation* of a device as claimed in independent claims 1, 10, 19, and 26.

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For at least these reasons, Applicant respectfully submits that independent claims 1, 10, 19 and 26 (and the claims dependent thereon) are not anticipated by the Moldenhauer reference. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-10, 12-26, and 28-33 under Section 102 based on the Moldenhauer reference and further requests allowance of claims 1-10, 12-26, and 28-33 for at least the reasons set forth above.

Additionally, at least dependent claims 3, 12, and 21 recite language which Applicant believes the Moldenhauer reference does not anticipate. Dependent claim 3 recites, *inter alia*, "the emulator is adapted to present the emulation in a manner that *approximates information that would be presented* by the at least one device during a set-up procedure of the at least one device." (Emphasis Added). Similarly, dependent claim 21 recites, *inter alia*, "an OSD emulation is adapted to present the OSD emulation in a manner that *approximates information that would be presented* by the at least one device during a set-up procedure of the at least one device." (Emphasis Added). Dependent claim 12 recites, *inter alia*, "comprising the act of defining the emulation to be presented *in a manner that approximates an output provided by the at least one device*." (Emphasis Added). Specifically, with regard to dependent claim 3, the Examiner stated:

> Regarding claim 3, Moldenhauer discloses that the emulator is adapted to present the emulation in a manner that approximates information that would be presented by the at least one device during a set-up procedure of the device ["*In one embodiment, the illustrations of the receiver and remote control are active. In other words, if the user selects a button on the remote control with a pointing device, then a dialog box can appear with additional information about the function of that particular*

*button. Additionally, if the remote control activates a
function or a light on the receiver, that light will appear on
the displayed receiver when selected on the displayed
remote."* (page 8, lines 7-16)].

Final Office Action, page 5. (Emphasis in original).

Similar to the argument made above with respect to the allowability of the

independent claims, claims 3 and 21 recite *approximating information that would be*

presented by at least one device during a set-up procedure. The cited portion of the

Moldenhauer reference describes, at best, illustrating an external image of a device (the

remote) as well as a pre-programmed dialog usable to initiate dialog with a customer. Thus,

the consumer representative in the Moldenhauer reference, at best, sees an *external image* of

the device with a dialog box. However, the consumer described in the Moldenhauer reference

does not see a similar dialog box when attempting to set up a device. Therefore, the dialog

box presented on a screen of a consumer representative, as described in the Moldenhauer

reference, does not *approximate information that would be presented* by the device during a

set-up procedure. As such, the Moldenhauer reference fails to anticipate dependent claims 3

and 21.

Similarly, claim 12 recites that the emulation be presented *in a manner that*

approximates an output provided by the at least one device. The Moldenhauer reference, at

best, describes illustrating an external image of a device (the remote) as well as a pre-

programmed dialog usable to initiate dialog with a customer. However, the dialog box

presented to the consumer representative is not what is seen by the customer when, for

example, a button on a remote is selected. Therefore, the external image of the device

provided to a consumer representative, as described by the Moldenhauer reference, does not

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anticipate an emulation that *approximates an output provided by the at least one device.* Accordingly, the Moldenhauer reference fails to anticipate dependent claim 12.

As such, even if the Examiner finds that independent claims 1, 10, 19, and 26 are anticipated by the Moldenhauer reference, the Examiner has failed to set forth a *prima facie* case of anticipation of dependent claims 3, 12, and 21, as required under Section 102. Therefore, the Examiner is respectfully requested to indicate the allowability of claims 3, 12, and 21 for at least the reasons set forth above.
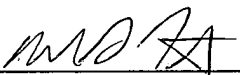
Conclusion

In view of the remarks set forth above, Applicant respectfully requests reconsideration

of the Examiner's rejections and allowance of all pending claims 1-10, 12-26, and 28-33. If

the Examiner believes that a telephonic interview will help speed this application toward

issuance, the Examiner is invited to contact the undersigned at the telephone number listed

below.

Respectfully submitted,

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